SMT
NIRMALA
RAO

2025:CGHC:22345-DB

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1744 of 2025

1 - Dilip Jha S/o Shri Brahma Narayan Jha Aged About 45 Years R/o F-21, River View Colony, Koni, Bilaspur District Bilaspur Chhattisgarh

---- Petitioner

Versus

1 - State Of Chhattisgarh Through The Secretary Home, Mantralay, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh

2 - The Superintendent Of Police Bilaspur, District Bilaspur Chhattisgarh

3 - Sumit Kumar Dhotre Trainee I.P.S. At Police Station Kota, Presently Posted At High Court Of Chhattisgarh District Bilaspur Chhattisgarh

4 - Top Singh Navrang Station House Officer Police Station Kota, District Bilaspur Chhattisgarh

5 - Station House Officer Police Station Koni, District Bilaspur Chhattisgarh

6 - Astik Sahu S/o Rajaram Sahu Aged About 21 Years R/o Patel Hostle Sai Mandir Badi Koni Bilaspur, District Bilaspur Chhattisgarh

7 - Adarsh Kumar Chaturvedi S/o Raghavji Chaturvedi Aged About 21 Years R/o Boys Hostel Near Jugal Farm, Kanchan Vihar, Koni District Bilaspur Chhattisgarh

8 - Naveen Kumar S/o Mahendra Rao Aged About 21 Years Boys Hostel Near Jugal Farm, Kanchan Vihar, Koni District Bilaspur Chhattisgarh

---- Respondents

AND

CRMP No. 1746 of 2025

1 - Madhulika Singh W/o Rajeev Kumar Singh Aged About 35 Years R/o University Campus, Type 3a1, Guru Ghasidas University, Koni, Bilaspur, District - Bilaspur (C.G.)

2 - Suryabhan Singh S/o Shri Tulasi Singh Aged About 42 Years R/o 1-4, Arpa Green Colony, Sendari, Bilaspur, District - Bilaspur (C.G.)

3 - Dr. Jyoti Verma W/o Pradeep Kumar Kushwaha Aged About 42 Years R/o Rudra Vihar, Ashok Nagar, Bilaspur, District - Bilaspur (C.G.)

4 - Prashant Vaishnav S/o Rajkumar Vaishnav Aged About 46 Years R/o Qtr No.- A/15, Vaishnavi Vihar, Uslapur, Bilaspur, District - Bilaspur (C.G.)

5 - Basant Kumar S/o K.R. Maihar Aged About 52 Years R/o Mahamaya Residency, Koni, Bilaspur, District - Bilaspur (C.G.)

6 - Dr. Niraj Kumari W/o K.N. Singh Aged About 40 Years R/o Guru Ghasidas University, Koni, Bilaspur, District - Bilaspur (C.G.)

----Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary Home, Mantralay, Mahanadi Bhawan, Naya Raipur, Raipur, District - Raipur (C.G.)

2 - The Superintendent Of Police Bilaspur, District - Bilaspur (C.G.)

3 - Sumit Kumar Dhotre Trainee I.P.S. At Police Station - Kota, Presently Posted At High Court Of Chhattisgarh, District - Bilaspur (C.G.)

4 - Top Singh Navrang Station House Officer, Police Station - Kota, District - Bilaspur (C.G.)

5 - Station House Officer Police Station - Koni, District - Bilaspur (C.G.)

6 - Astik Sahu S/o Rajaram Sahu Aged About 21 Years R/o Patel Hostle, Sai Mandir, Badi Koni, Bilaspur, District - Bilaspur (C.G.)

7 - Adarsh Kumar Chaturvedi S/o Raghavji Chaturvedi Aged About 21 Years R/o Boys Hostel, Near Jugal Farm, Kanchan Vihar, Koni, District - Bilaspur (C.G.)

8 - Naveen Kumar S/o Mahendra Rao Aged About 21 Years R/o Boys Hostel, Near Jugal Farm, Kanchan Vihar, Koni, District - Bilaspur (C.G.)

----Respondents

(Cause title is taken from CIS Software)

For Petitioners : Mr. Awadh Tripathi, Advocate.

For Respondent No.1/State : Mr. Arvind Dubey, Govt. Advocate.

Division Bench:

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon’ble Shri Rakesh Mohan Pandey, Judge

Order on Board

Per ***Ramesh Sinha, Chief Justice***
27.05.2025

1. In CRMP No. 1744 of 2025, the petitioner has made the following prayer:

> *"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to allow this petition and quash the impugned FIR Crime No. 417/2025 (ANNEXURE P/1) registered at Police Station Kota, District- Bilaspur (C.G.) u/s, 190, 196(1)(b), 197(1)(b), 197(1)(c), 299, 302 Of BNS And Section 4 Of Chhattisgarh Freedom of Religion Act, 1968 as well as quash the cognizance dated 01:05:2025 (ANNEXURE P/2) taken by the learned JMFC Kota in connection with crime no. 417/2025 registered at Police Station Kota District Bilaspur (C.G.), in the interest of justice."*

2. In CRMP No.1746 of 2025, the petitioners have made the following prayer:

> *"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to allow this petition and quash the impugned FIR Crime No. 417/2025 (ANNEXURE P/1) registered at Police Station Kota, District- Bilaspur (C.G.) u/s 190, 196(1)(b), 197(1)(b), 197(1)(c), 299, 302 Of BNS And Section 4 Of Chhattisgarh Freedom of Religion Act, 1968, in the interest of justice. Bilaspur."*

3. The petitioners, in these petitions, have sought relief of quashing the FIR No. 417 of 2025, registered at police station Kota, District Bilaspur for the commission of offence punishable under Sections 190, 196(1)(b), 197(1)(b), 197(1)(c), 299 and 302 of Bharatiya Nyaya Sanhita (BNS) and Section 4 of the Chhattisgarh Freedom of Religion Act, 1968.

4. Admittedly, the petitioners are Assistant Professors working with Guru Ghasidas University, Bilaspur. A National Service Scheme (NSS) camp was organized by the University at Shivtarai, Kota, District Bilaspur from 26.3.2025 to 29.3.2025, and from 29.3.2025 to 1.4.2025. The petitioners were deputed by the University to supervise the camp. Mr. Dilip Jha, the petitioner in CRMP No. 1744 of 2025, was appointed as the Coordinator to the said Camp vide order dated 26.4.2025. The complainants namely, Astik Sahu, Adarsh Kumar Chaturvedi and Naveen Kumar, who participated in the NSS Camp lodged an FIR against the petitioners, alleging that they, as Hindu adherents, were compelled by the petitioners to offer Namaz. On such a complaint, the police registered the offences as stated above.

5. Learned counsel for the petitioners would argue that a written complaint was lodged on 14.4.2025 with a delay of 14-15 days and it was politically motivated. He would contend that though 150 Hindu students participated in the camp but only three students lodged the FIR. He would further submit that the participants were not compelled by the petitioners to offer Namaz and on false accusation, the police registered the offence. He would also submit that in the camp there were four students belonging to the Muslim religion and they offered Namaz. It is further argued that the petitioner - Mr. Dilip Jha in CRMP No.1744 of 2025 and the petitioners in CRMP No.1746 of 2025 have been enlarged on bail by the learned trial Court. He would contend that the essential ingredients of Sections 190, 196(1)(b), 197(1)(b), 197(1)(c), 299 and 302 of BNS and Section

4 of the Chhattisgarh Freedom of Religion Act, 1968 are not made out against the petitioners. He would pray to quash the FIR and cognizance taken by the learned trial Court.

6. On the other hand, learned counsel for the State would oppose the submissions made by counsel for the petitioners. He would submit that there are serious allegations against the petitioners. He would also submit that the petitioners by using words and visible representations compelled the complainants, who belong to the Hindu religion, to offer Namaz, which is punishable according to provisions of Sections 190, 196(1)(b), 197(1)(b), 197(1)(c), 299, 302 of BNS and Section 4 of the Chhattisgarh Freedom of Religion Act, 1968. He would further contend that the matter is under investigation and the witnesses have categorically supported the allegations made against the petitioners. Therefore, the petition may be dismissed.

7. We have heard learned counsel for the parties and perused the material available on the record.

8. In the matter of ***Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others, (2021) 19 SCC 401***, the Hon'ble Supreme Court while dealing with the issue of quashing the FIR at an initial stage, held as under:-

> *"33.2. Courts would not thwart any investigation into the cognizable offences.*
>
> *33.4. The power of quashing should be exercised sparingly with circumspection, in the 'rarest of rare cases'. (not to be confused with the norm which has been formulated in the context of the death penalty).*

33.6. Criminal proceedings ought not to be scuttled at the initial stage.

33.7. Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;

33.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.15. When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR."

9. In the present case, the petitioners are already on bail, the investigation is going on and the charge-sheet has not been filed yet, therefore, it would not be appropriate to make any observations on the merits of the case.

10. Taking into consideration the law laid down by the Hon'ble Supreme Court in the matter of ***Neeharika* (supra)** and in view of the facts of the present case, both petitions fail and are hereby dismissed.

11. Accordingly, both the petitions are **dismissed**.

Sd/- Sd/-

(Rakesh Mohan Pandey)
JUDGE

(Ramesh Sinha)
CHIEF JUSTICE

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